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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,155	09/30/2003	Einat Amitay	IL920030030US1	5555
7590	11/17/2006		EXAMINER	
Stephen C. Kaufman Intellectual Property Law Dept. IBM Corporation P.O. Box 218 Yorktown Heights, NY 10598			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	
DATE MAILED: 11/17/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/675,155	AMITAY ET AL.
	Examiner	Art Unit
	EDWYN LABAZE	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 06 September 2006.
- 2a)  This action is FINAL. 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-52 and 57-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-52,57-60 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All b)  Some \* c)  None of:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 9/06/2006.
2. Claims 1-52 and 57-60 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

3. Claims 1-4, 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 7 recites the limitation "the output" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-52 and 57-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Crabtree et al. (US 2004/0044658).

Re claim 1, 5, 12-13, 18, 25, 29, 33, 40-41, 46-47, and 57: Crabtree et al. {hereinafter referred as "Crabtree"} discloses information provider, which includes an index to list physical items in a vicinity around a changeable current location of a user of the items, which includes a

personal index {herein interpreted as a personal profile}(as disclosed in paragraph 57-58); a personal index updater {herein interpreted as a personal tracking device 405} to update the personal index to include information about items within a changeable space in the vicinity of a person (see paragraphs 134-136, 151+).

Crabtree further teaches a space-wide index comprising information about items in a physical space larger than said vicinity of said person (paragraph 130+), a location sensor to sense the location of a person (paragraphs 15+, 59+, 155+), and a search engine to search for items within the personal index (paragraphs 11, 85, 173+).

Crabtree also discloses means of dynamically storing in an index the physical items in a vicinity around a changeable location of a user of the index (paragraphs 29+, 59+ 97+).

Re claims 2, 8-9, 14, 17, 19, 22, 26, 30, 36-37, 42, 45, 50, and 58: Crabtree teaches a system and method, wherein the space is one of the following spaces: a store, a library, a shelf, an aisle, within a given radius, a street, a city, a campus, a building, an area and a park (paragraph 130+), and also comprising a space filter to provide the personal index updater only with information from items within the changeable space (paragraphs 11, 21, 55, 100-101, 130, 164).

Re claims 3, 27, 31, and 59: Crabtree discloses a system and method, which comprises information about the physical items, wherein the information comprises content found on tags associated with the physical items (paragraphs 61, 92-94, 100-101, 180+).

Re claims 4, 28, 32, and 60: Crabtree teaches a system and method, wherein the information comprises a description of the physical items and theirs locations (paragraphs 164, 236-240).

Re claims 6, 15, 34, and 43: Crabtree teaches a system and method also comprising a search engine to search for items within the personal index (paragraphs 11, 85, 173+).

Re claims 7, 16, 21, 35, 44, and 49: Crabtree discloses a system and method also comprising a ranker for ranking the output of the search engine (paragraphs 61+, 180-193, 199+).

Re claims 10 and 38: Crabtree discloses a system and method also comprising a location sensor to sense the location of a person and to provide the location to a server (paragraphs 15+, 59+, 155+).

Re claims 11 and 39: Crabtree teaches a system and method also comprising a receiver to receive information about items within the vicinity from the server (paragraphs 33, 57-59, 100+).

Re claims 20 and 48: Crabtree discloses a system and method, wherein the location sensor comprises a unit to read a tag worn by said person, the unit being one of the following an optical reader, a video camera, an infra-red detector and an RF tag reader (paragraphs 136-151).

Re claims 23 and 51: Crabtree teaches a system and method, wherein the vicinity is a space smaller than the physical space (paragraphs 13, 55, 197+).

Re claims 24 and 52: Crabtree further teaches a system and method, also comprising a logger to log (herein logging means; paragraphs 13+, 60+) at least the movement of items in the physical space and the searches performed by the search engine and a recommender {herein suggestion action 305} to recommend items to the person based on the results of the logger (paragraphs 99-101, 106+).

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schneider (U.S. 5,552,588) discloses apparatus for building a database of the location of files stored in file holders.

Wical (U.S. 6,199,034) teaches methods and apparatus for determining theme for disclosure.

Frank (US 2004/0078750) discloses desktop client interaction with a geographical text search system.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
November 9, 2006



THIEN M. LE  
PRIMARY EXAMINER